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4 Attorney for Plaintiff
5

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

8

9 JAMES R. GLIDEWELL DENTAL }
10 CERAMICS, INC. DBA }
11 GLIDEWELL LABORATORIES, a }
California corporation,

12 Plaintiff }
13 vs. }
14 KEATING DENTAL ARTS, INC., a }
15 California corporation,

16 Defendant. }
17

18 Case No. SACV11-01309-DOC(ANx)

19

20 **DECLARATION OF LEONARD
TACHNER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S APPLICATION TO
RESCHEDULE HEARING ON
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

21 I, Leonard Tachner, declare as follows:

22 1. I am an attorney at law, duly licensed to practice before all of
Courts of the State of California, and admitted to practice in the United States
23 District Court for the Central District of California. I am attorney of record in
this Action for Plaintiff James R. Glidewell Dental Ceramics, Inc. DBA
24 Glidewell Laboratories. I have personal knowledge of the facts set forth
herein, and could and would testify thereto if sworn as a witness.

25 (2) I am qualified and have authority to certify the authenticity of
records contained in the case files of Law Offices of Leonard Tachner. Those

1 files are prepared by the staff and attorney of Law Offices of Leonard Tachner
2 in the ordinary course of business, and at or near the time of the creation or
3 receipt of the documents in the files. If a document is created or received in a
4 case, the original, or a true, correct and complete copy of the original is placed
5 in the file for that case.

6 (3) Attached as Exhibit A is a printout of an email from Defendant's
7 counsel of record, Mr. J. Mark Holland I received on or about February 3,
8 2012.

9 (4) On at least one occasion Defendant's counsel, Mr. Holland,
10 assured me that he would file and serve a Motion for Partial Summary
11 Judgment on January 4, 2012 to give Plaintiff plenty of time to respond.
12

13 I declare under penalty of perjury under the laws of the Untied States of
14 America, that the foregoing is true and correct.
15
16

17 DATED: February 15, 2012 By: /s/ Leonard Tachner
18 Leonard Tachner
19 Attorney for Plaintiff
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Subj: **Re: First Amended Answer; Glidewell v. KDA; Our File: KEATI-L3844**
Date: 2/3/2012 11:37:35 A.M. Pacific Standard Time
From: mholland@jmhlaw.com
To: Ltachner@aol.com
CC: bob@keatingdentalarts.com, Diane@keatingdentalarts.com, office@jmhlaw.com,
jforemantachlaw@aol.com, tachlaw@aol.com, shaun@keatingdentalarts.com, tgourdelaw@cox.net

Leonard,
I'm knocking wood as I write--- we should complete and file the Motion for Partial Summary Judgment by the end of today.

For what it's worth, last week's repair of the water main at our house did not hold, so we had similar flooding this morning, and the plumbers are back today to (hopefully) finally fix it.

Absent some unforeseen development, the motion documents should be out this evening. As I have previously advised, and as generally outlined in the First Amended Answer and Counterclaims that we recently served, the gist of it is that BRUX and related BRUX-based words are generic/descriptive within the dental industry, so no party can claim exclusive rights to them (as your client has been doing).

Very truly yours,

Mark

J. Mark Holland
J. Mark Holland & Associates
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